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10/551,660	11/29/2006	Patrick E. Snow	**RC-0012	4599

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EXAMINER	
KHAN, MEHMOOD B	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,660	SNOW, PATRICK E.	
	Examiner	Art Unit	
	MEHMOOD B. KHAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24,26,29,30,33 and 35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24,26,29,30,33 and 35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-15, 18, 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Fomukong (US 2008/0051105).

Claim 1, Cho discloses a method of controlling usage of a portable digital device having at least one of an audio recording function and an image data recording function **(0001, where Cho discloses inhibition or transmission)**, Cho discloses including inhibiting operation of said digital device when said portable digital device is located in a specific geographic region **(0001, where Cho discloses areas)**.

Cho does not explicitly disclose monitoring a geographical location of the portable digital device; comparing the geographical location of the portable digital device with a specific geographic region.

In an analogous art, Fomukong discloses monitoring the geographic region of the portable digital device comparing the monitored region with a specific geographical region **(Claim 3)**. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify Cho to include monitoring of mobile phones as taught by Fomukong so as to providing secured and accessible remote receiving unit position information **(0005)**.

Cho in view of Fomukong discloses the claimed invention except for a first inhibiting signal transmitted by another portable digital device in the specific geographic region. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the signal generating device of Cho portable, since it has been held that making an old device portable or movable without producing an new and expected result involves only routine skill in the art. In re Lindberg, 93 USPQ 23 (CCPA 1952).

Claim 2, Cho discloses receiving a second inhibiting signal having a transmission originating from a fixed location security station in the specific geographic region **(0001, 0006, where Cho discloses a mode signal generator)**, Cho disabling the at least on of the audio and image data recording function of the portable digital device in response to receipt of the [[first or]] second inhibiting signal **(0001, where Cho discloses inhibition or transmission)**.

Claim 3, Cho discloses wherein said portable digital device is configured so that when said device is outside the specific geographic region, the function is restored **(0022, where Cho discloses there is no mode signal)**.

Claim 5, as analyzed with respect to the limitations as discussed in claim 3.

Claim 6, Cho does not explicitly disclose wherein the geographic region of the device is monitored by a navigation module selected from the group: GPS.

In an analogous art, Fomukong discloses GPS **(0027, where Fomukong discloses GPS).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include monitoring of mobile phones as taught by Fomukong so as to providing secured and accessible remote receiving unit position information **(0005).**

Claim 7, Cho does not explicitly disclose wherein the geographic location of the device is monitored by triangulation of signals from at least two cellular base stations.

In an analogous art, Fomukong discloses wherein the geographic location of the device is monitored by triangulation of signals from at least two cellular base stations **(0028, where Fomukong discloses earth based stations)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include monitoring of mobile phones as taught by Fomukong so as to providing secured and accessible remote receiving unit position information **(0005).**

Claim 8, Cho discloses steps of storing data relating to said device detected as being present in the specific geographical region **(0016, where Cho discloses a memory)**.

Claim 9, Cho discloses wherein said operation is inhibited for a predetermined period of time before the operation can be enabled again **(0028, where Cho discloses beginning of events)**.

Claim 10, Cho discloses wherein the device has a memory **(0033, where Cho discloses a memory)**, Cho discloses modifying the memory of the device to indicate that the inhibiting operation has occurred, checking whether the memory has been modified to indicate that the inhibiting operation has occurred before allowing access to the data recording function **(0033, where Cho discloses inhibition)**.

Claim 11, Cho discloses wherein the first inhibiting signal received at the portable digital device using a communication scheme transmitting-over at least one radio frequency **(0027, where Cho discloses transmission frequencies)**.

Cho does not explicitly disclose the communication scheme selected from the group supported by GSM, GPRS, 3G, I-Mode, UTMS, Ultrawideband (UWB) wireless data standard and/or CDMA. Official notice is taken on the type of communication networks, since it would have been obvious to one of ordinary skill in the art at the time the invention was made that a 2G or 3G network could be used to inhibit operation of devices.

Claim 12, Cho discloses wherein at least one frequency used to transmit the first inhibiting signal is changed at intervals to improve security **(0005, where Cho discloses changing intervals)**.

Claim 13, Cho discloses wherein the first inhibiting signal is communicated to the portable digital device in the form of [[one of an audio signal or]] a signal transmitted at an optical frequency **(0048, where Cho discloses infrared and acoustic waves)**.

Claim 14, Cho discloses installing usage control code on the device for performing the control of usage of the device **(0033, 0034, where Cho discloses codes)**.

Claim 15, Cho discloses wherein the usage control code is installed in a memory within the device **(0033, 0034, where Cho discloses codes and memory)**.

Claim 18, Cho discloses detecting an attempted operation of said data recording function when said portable digital device is located in the specific geographic region, and preventing a normal store operation relating to data captured by the data recording function **(0021, where Cho discloses input of digital data)**.

Claim 29, as analyzed with respect to the limitations as discussed in claim 1.

Claim 35, as analyzed with respect to the limitations as discussed in claim 1.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Fomukong in view of Heiskari et al. (US 5,901,342 herein Heiskari).

Cho in view of Fomukong does not explicitly disclose wherein at least one portable device is used as a repeater to broaden coverage of the second inhibiting signal.

In an analogous art, Heiskari discloses at least one portable device is used as a repeater to broaden coverage **(Col 4: 64-64, where discloses using phones as repeaters).** Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Cho in view of Fomukong to include using phones as repeaters as taught by Heiskari so as to transmission at fixed states **(Col 2: 60)**.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Fomukong in view of Aerrabotu (US 6,829,429).

Cho does not explicitly disclose a step of modifying code within the device relating to the at least one of audio recording function and an image data recording function and preventing said code being executed by the device.

In an analogous art, Aerrabotu discloses a step of modifying code within the device preventing said code being executed by the device **(Claim 9)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho in view of Fomukong to include modifying code as taught by Aerrabotu so as to provide an improved and convenient method for releasing service locks **(Col 1: 44-45)**.

Claims 17, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Fomukong in view of Cocita (US 2006/0281450).

Claim 17, Cho discloses detecting disconnection of the device from a communications network **(0044, where Cho discloses leaving the area)**.

Cho in view of Fomukong does not explicitly discloses preventing a normal transmission operation relating to captured data upon said disconnection.

In an analogous art, Cocita discloses preventing a normal transmission operation relating to captured data **(0026, where Cocita discloses that is well known to delete**

data). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho in view of Fomukong to include erasing data as taught by Cocita so as to provide safeguarding data **(0009)**.

Claim 19, Cho in view of Fomukong does not explicitly disclose deleting the captured data from the device.

In an analogous art, Cocita discloses deleting the captured data from the device **(0019, where Cocita discloses erasing all data)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho in view of Fomukong to include erasing data as taught by Cocita so as to provide safeguarding data **(0009)**.

Claim 21, Cho discloses a step of broadcasting a source-identifying signal to the specific geographical region **(0001, 0006, where Cho discloses transmission in an area)**.

Claim 22, Cho discloses wherein the source-identifying signal comprises one of an audio tone or a series of optical signals **(0048, where Cho discloses infrared and acoustic waves)**.

Claims 20 and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Fomukong in view of Cocita in view of Hirai (US 2001/0018742).

Claim 20, Cho in view Fomukong in view of Cocita does not explicitly disclose transmitting the captured data relating to the device to a security entity.

In an analogous art, Hirai discloses transmitting the captured data relating to the device to a security entity **(Fig. 3A, where Hirai discloses transmission to the monitoring station).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho in view of Fomukong in view of Cocita to include transmission to a monitor as taught by Hirai so as to copyright protection.

Claim 23, Cho in view of Fomukong in view of Cocita does not explicitly disclose checking if data transmitted over a network includes a recording of the source-identifying signal, and transmitting the data to a security entity instead of its intended recipient.

In an analogous art, Hirai discloses checking if data transmitted over a network includes a recording of the source-identifying signal, and transmitting the data to a security entity instead of its intended recipient **(Fig. 3A)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho in view of Fomukong in view of Cocita to include transmission to a monitor as taught by Hirai so as to provide copyright protection.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Fomukong in view of da Silva (US 6,496,703).

Cho discloses said security station broadcasting/transmitting an inhibiting or disabling signal intermittently in the specific geographic region **(0001, 0006, where Cho**

discloses inhibiting operation), Cho discloses at least one function of the portable digital device being disabled on receipt of the signal **(0001, 0006)**.

Cho in view of Fomukong does not explicitly disclose a vehicle.

In an analogous art, da Silva discloses a vehicle **(Fig. 7).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho in view of Fomukong to include vehicles as taught by da Silva so as to prevent interruption of the operation of communication equipment **(Col 1: 44-46)**.

Claims 26 and 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Hirai.

Claim 26, Cho discloses detecting an attempted transmission of data broadcast by a portable digital device **(0001, 0006, where Cho discloses transmission and an area and inhibiting a transmission mode),** preventing the attempted transmission of data when said portable digital device is located in a specific geographic region **(0001, 0006, where Cho discloses inhibition of transmission in an area)**

Cho does not explicitly disclose preventing the attempted transmission of data including the source-identifying signal.

In an analogous art, Hirai discloses preventing the attempted transmission of data including the source-identifying signal **(Fig. 3A, where Hirai discloses transmission to a monitoring station).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include transmission to a monitor as taught by Hirai so as to provide copyright protection.

Claim 33, Cho discloses enabling operation of said imaging function in response to an interrogation or enabling signal from a central station **(0033, where Cho discloses leaving the area)**.

Cho does not explicitly discloses returning an image to said central station **(Fig. 3A, where Hirai discloses transmission to a monitoring station).** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho in view of Cocita to include transmission to a monitor as taught by Hirai so as to provide copyright protection.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of O'Neil (US 6,973,333).

Claim 30, as analyzed with respect to the limitations as discussed in claims 1 and 2.

Cho does not explicitly disclose another portable digital device in the specific geographic region that transmits a second inhibiting signal in said specific geographic region.

In an analogous art, O'Neil discloses a digital device in the specific geographic region that transmits a second inhibiting signal in said specific geographic region **(Fig. Col 7: 4-23, Fig. 2: 230, where O'Neil discloses short range transceivers)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cho to include short range transceivers as taught by O'Neil so as to receive inhibition information, i.e. region information from short range transmitters **(Col 8: 66 – Col 9: 5)**.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEHMOOD B. KHAN whose telephone number is (571)272-9277. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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/Mehmood B. Khan/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617